SENATOR BURTON LOSES HIS APPEAL

Chicago Office: Tribune Building.

Adverse Decision by the Supreme Court.

ALL POINTS OVERRULED

Dissenting Opinion Rendered by Three Justices.

MAY ASK FOR A REHEARING

Judgment Does Not Operate of Itself to Vacate the Seat of the Convicted Senator.

The Supreme Court of the United States today rendered a decision in the case of United States Senator Joseph R. Burton of Kansas. The decision was against Burton, affirming the decision of the United States circuit court for the eastern district of Missourl, by which Burton was sentenced



Senator Burton.

to nine months' imprisonment in the fall of Iron county, Mo., required to pay a fine of \$2,500 and deprived of the right to hereafter hold office under the government. The opinion was by Justice Harlan, All

of the points made in Burton's interest were overruled.

Justices Brewer. White and Peckham united in a dissenting opinion-delivered by Justice Brewer. Their opinion was based on the theory that the United States was not legally interested in the case against the Rialto company, in which Burton was

Case Goes Over to October.

Immediately after promulgating its decis ion, the court granted a motion to give sixty days to Senator Burton in which to prepare a petition for a rehearing. The action will have the effect of taking the case over until the next term of the court. beginning in October, as the present term will expire next Monday. Senator Burton was prosecuted on the

charge of violating section 1782 of the Re- transmitted through the officers of the vised Statutes, which probibits senators | court. and representatives from receiving compensation for services rendered before any of the government departments in any matter in which the government may be interested. He was specifically charged with accepting a fee of \$500 per month for five months from the Rialto Grain and Securities Company of St. Louis for services rendered that company in an effort to prevent the issuance of an order by the Post Office Department prohibiting the use of the mails by the company.

This was Senator Burton's second appea! to the Supreme Court. In the first case the circuit court found him guilty and imposed the same penalty that was imposed in the present case, but the Supreme Court reversed the decision in the first instance because it was made to appear that the money was paid in Washington and not it St. Louis, where the case was tried.

It was contended on behalf of Senator Burton that the fee was paid on account of a criminal proceeding against one of the members of the Rialto company and not because of services rendered in the govern-ment prosecution of the company. The law ment prosecution of the company. The land under which he was prosecuted was also attacked as unconstitutional on the ground attacked as unconstitutional or the sole judge of the that the Senate was the sole judge of the qualification of its members, but this doc trine was not upheld by Justice Harlan's opinion. The statute was upheld in all re-spects and held to be fully applicable to Burton's case.

Does Not Vacate Senator's Seat.

That the Senate will be compelled to take cognizance of the case is indicated by the following extract from the decision: "The final judgment of the conviction did not operate ipso facto to vacate the seat of the convicted senator, nor compel the

Senate to expel him or to regard him as expelled by force alone of the judgment. The seat into which he was originally inducted as a senator from Kansas could enly become vacant by his death, or by expiration of his term of office, or by some direct action on the part of the Senate in exercise of its constitutional powers." Justice Harlan also held that the sentence could not cover an election of United States

senators as "they do not hold their places under the government of the United

On the point that the crime was not committed at St. Louis, Justice Harlan in view of these cases it cannot be

maintained that the personal absence of the defendant Burton from St. Louis at the time his offer was accepted, and the agreement between him and the company was completed and became binding, de-prived the federal court there of jurisdic-tion. He sent his offer to St. Louis with the intent that it should be there ac-cepted and consummated. Having been completed at that city in conformity with the intention of both parties, an offense the intention of both parties, an offense was, in the eye of the law, committed there, and when the court below assumed turisdiction of this case it did not offend the constitutional requirement that a grime against the United States shall be

(Continued on Second Page.)

Tvening Star.

AH! THE PROMISE!

VIOLET SEED

CONGRESSMAN

AND GOT HUBBY TO

PLANT THEM-

RIGHT THERE!

NO! THERE- DEAR

No. 16,675.

WASHINGTON, D. C., MONDAY, MAY 21, 1906-TWENTY PAGES.

TWO CENTS.

Constable Who Shot John

Jones Exonerated.

Gun at the Officer.

HEARING BEFORE MAGISTRATE

Same Testimony Given as at the In-

quest-Prosecuting Attorney Con-

sents to Constable's Release.

An inquest was held at 11 o'clock yesterday morning at Rosslyn, Va., over the

remains of "Uncle John" Jones, the col-

ored man, seventy years of age, who was

shot and killed by Constable Edward E.

Veitch Saturday night, after Jones had

shot Terry Godsey and Rastus Ransom, the

first named being badly wounded. The

verdict of the jury exonerated Constable

Veitch. This was followed today by a pre-

liminary hearing before Magistrate E. F.

Thompson to decide whether the constable

should be held for the action of the grand

jury, which resulted in the release of the

Only three witnesses were heard at the

inquest besides the constable. Private Ar-

thur Warren of the 3d U. S. Battery, sta-

tioned at Fort Myer, was the first called.

He testified that he witnessed the scrim-

mage between Jones, Godsey and Willie Russell, after Johes had secured his revolver, and saw Jones grab Godsey, and, holding the weapon close to his breast, fired. Joseph Fields stated that he accompanied Constable Veitch to Jones' cabin and saw the colored man aim at the officer, who then draw his revolver and fired.

said he thought the officer was justified in firing the shot. Constable Veitch repeated in substance his statement that was pub-

Jury Acts Promptly.

After hearing the testimony Coroner Ash-

rell, colored, testified that Jones was in the

act of firing at the constable when he was shot. After hearing all of the evidence

obtainable Attorney Mackey stated that

Jones had been shown to have been in the act of loading his revolver, and that he had aimed it at the constable with an

oath, stating that he would kill any of the

officers that came near; that the only testi-

mony that was against the constable was that of Terrell, and he, therefore, did not

think there was enough evidence upon which to hold the defendant for the grand

jury. Justice Thompson then dismissed the

Colored Witnesses Justify Shooting.

A noticeable fact in the testimony for

the defendant was that all but three of

the witnesses were colored people who

were acquainted with Jones, and they,

when the latter, it was stated, refused to treat Jones to a drink. Jones followed

him to Rossiyn and there told him he was

going to kill him anyhow. Jones then went to his home on Crow's hill and pro-cured a revolver, with which he fired three shots at Russell and one at Ran-som. Godsey then caught hold of Jones

and tried to keep him from shooting, but the latter got his arm loose and shot

Godsey in the breast. Constable Vietch

appeared on the scene about this time

and undertook to arrest Jones, with the

Godsey was sent to the Georgetown

University Hospital, where it is stated this morning that his condition, although

MR. McCUMBER EXPLAINS.

Had Said That Stevens Had to Do

Wallace's Work Over Again.

Senator McCumber, in response to a letter

from John F. Wallace, a former chief en-

gineer of the isthmian canal commission.

today explained in the Senate remarks

made by him relative to pay of public offi-

cials, during the discussion of the rate bill. He had referred to Mr. Wallace, saying

that his successor had been compelled to do some of Mr. Wallace's work over again.

his remark, said he had not intended to make a comparison of the efficiency of the

WILL SAIL THURSDAY.

for New York.

The Mexican ambassador, Mr. Casasus

of fully recovering his health before re-

October. Mr. Casasus was asked to repre-

sent his government at the Pan-American congress to be held in Rio Janeiro in July,

but declined, as he did not feel well enough

to undertake the long trip and the arduous

MONEY FOR THE DISTRICT.

Commissioners Before the Senate Ap-

propriations Committee

today began the consideration of the Dis-

trict appropriation bill. The subcommittee

in charge of the bill consists of Senator

Allison, chairman, and Senators Gallinger,

Wetmore, Tillman and Gorman, Benator

Tillman left Friday evening for his home

in South Carolina to be gone about ten

days on important business and Senator Gorman is ill at his home in this city.

Commissioners Macfarland, West and Biddle were before the subcommittee a couple of hours this morning and went over a large portion of the bill. They will again come before the subcommittee tomor.

The Senate committee on appropriations

work of the congress

The North Dakota senator, in explaining

still critical, is slightly improved.

who then drew his revolver and fired.

lished in The Star of yesterday.

quittal.

COUNSEL PREVAILED

Threatened Trouble at St. Petersburg Averted.

ISSUE ASSURED PACIFIC

The Radical Delegates Were Disappointed.

THEY DESIRED A CASUS BELLI

Lively Debate Over Czar's Refusal to Receive Delegation From Lower House of Parliament.

ST. PETERSBURG, May 21-(2:25 p.m.)-The threatened storm over the emperor's refusal to receive the delegation from the lower house of parliament, appointed to present to him its reply to the speech from the throne, has been averted. The house this afternoon adopted a resolution to proceed with the regular order of business, and the discussion of the agrarian question

The moderate leaders of the constitutional democrats after laboring with the hotheads until the early morning hours succeeded in convincing them that it would be a fatal blunder to precipitate a conflict upon a false issue, and a resolution was prepared pointing out that the importance of the address consisted in its contents and not in the form in which it is transmitted to the

Some of the constitutional democrats frankly expressed the opinion that the house itself committed an error in appointing the deputation when the law specifi-cally provided that communications from the house should go through the president.

Much Popular Excitement.

The emperor's action in refusing to receive the deputation created much popular excitement. The papers voiced the fear that it means a rupture, and crowds collected about the Tauride palace before the opening of the session of parliament today. While his majesty's act is in strict conformity with the correctness and formalism which have characterized his career, never theless his failure to seize the occasion to meet the people's representatives directly is sure to produce a bad impression in the country, where the burden of the popular outcry has always been directed against the bureaucratic intermediaries.

The radicals in the house wanted to make his refusal a casus belli, but yield-ed to the persuasions of the constitutional democrats and decided not to pre-sent a condemnatory resolution. A pacific issue therefore is assured. When President Mouromtseff, on calling the lower house to order today, briefly announced what had happened Novo-

gorodseff of Yekatorinovslav presented a resolution, which he supported in a brief speech, urging the necessity for overlook ing minor incidents and getting to work on the agrarian question.
Alladin, the leader of the extreme left, contented himself with pointing out the

bstacles put in the way of harmonious action by the crown.

No Occasion for Offense. Prof. Maxim Kovalevsky of Kharkoff concluded the debate by reviewing the procedure in Great Britain and Germany, showing that there was no occasion for the house to take offense, and pointed out that in the old days in England the transmission of an address to the throne was the occasion for great ceremony. The speaker, escorted by the entire parlia-ment, conveyed the address to the doors of the palace. But this practice had long since been discontinued, and an address now transmitted through the officers of the court. In Germany also an address is

The resolution of Novogorodseff, urging the resolution of Novogorodsen, urging the necessity for overlooking minor inci-dents and getting to work on the agrarian question was unanimously adopted, after which the house proceeded with the agra-

The project adopted by the convention of the constitutional democrats, laying down the general principle that the land belonged to those who tilled it, was formally presented, but was temporarily laid aside to permit the organization of committees to examine credentials and investigate the election of members. Eleven committees, including the entire membership of the house and distributed by lot, were appointed for this purpose.

No ministers had been present in the

house up to the hour of recess, at 3 o'clock in the afternoon. Count Solsky, president of the upper house of parliament, has been erms identical with the reply to President Mouromtseff of the lower house, that the address of the upper house should be presented to the emperor through Baron Fredericks, the minister of the imperial

THE BARNES NOMINATION

To Be Held Up Until Senator Tillman Returns.

As Senator Tillman has been called to his home in South Carolina by Important business it is understood that the nomination of Mr. Benjamin F. Barnes to be postmaster of this city will be allowed to go over until his return. Mr. Tillman has not vet addressed the Senate on the subject of this nomination to the full extent that he desires, and after his return he will speak to the Senate in executive session at considerable length, giving in greater detail than he has yet done the reasons why the nomination of Mr. Barnes should not be con-

But the chief point of interest in relation to the Barnes nomination at this time relates to the contention on the part of many reliable information on which to act. It has been shown that the statements in relation to the ejection of Mrs. Morris from the White House, gathered for the in-formation of the President, are so filled with error as to render them absolutely worthless. Many senators want some reliable information on which to form a judg-ment of the Barnes incident before they are called to vote upon the nomination. When the matter comes up in the Senate again they will demand that some course be adopted so that they can vote intelligently upon the case of Mr. Barnes.

Admiral Perry to Retire.

It was announced at the Navy Department that Rear Admiral Thomas Perry will on the 26th instant, in accordance with the provisions of section 1444 of the Revised Statutes. Admiral Perry is a native of New York and entered the navy in September, 1861. He reached the rank of rear admiral in September, 1905, has been stationed in this city as president of the naval examining and retiring boards. be placed on the retired list in the navy



IF YOU RECEIVED WOLETO SEE 1

WONT

VIOLETS

BE LOVELY?

REPORTED VERDICT AGAINST STOESSEL AND NEBOGATOFF.

ST. PETERSBURG, May 21.-It is rumored that the military court which has been investigating the surrender of Port Arthur and the battle of the sea has condemned to death Lieut. Gen. Stoessel, who commanded the Russian forces at Port Arthur, and Rear Admiral Nebogatoff, who commanded one of Admiral Rojestvensky's squadrons, and who surrendered during the naval battle to the Japanese.

BIG BATTLESHIP OPPOSED.

Doubt in the Senate About Expediency of Building It.

The naval program providing for the construction of one great battleship of a tonnage equal to any affoat or now building will meet opposition in the Senate, but not of such stubborn character as is thought to endanger its passage. There are several members of the Senate committee on naval affairs who have expressed themselves as opposed to the building of "the great, unwieldy type of the Dreadnaught," now being constructed for the navy of Great Britain. These men have announced that they will express their doubt, although they have not determined to record their votes against the policy of the administration.

The battleship proposed by the program

and provided for by the bill as it passed the House in some features will be greater than the Dreadnaught. The tonnage must be as great as the biggest battleship now This is estimated at about 20,000 tons. Its speed must be at least twenty-one knots and its draft will be about twentyeight feet. It is in the armament that it will surpass the Dreadnaught. According to the plans for this glant defender for the British navy it will have ten twelve-inch guns. Chairman Foss of the House committee on naval affairs, said the battleship for the United States should have twelve twelve-inch guns. The South Carolina and Michigan, plans for which have recently been completed, are the biggest ships now authorized for the United States navy and they will have eight twelve-inch guns. The naval appropriation bill will not be taken up by the Senate committee until the the House hearings being relied upon, so that it should be reported to the Senate by Monday next. It carries just \$100,000 less than it did when it was reported from the House committee, the item of decrease being \$100,000 for the floating dry dock for Ches-

INSURANCE COMPANIES PAID. Senatorship at Albany Declared to Have Been Profitable.

Some additional inside light was thrown on insurance methods in New York today by Representative James A. Goulden of that state before the House committee on the judiciary, considering the Ames bill for the regulation of insurance in the District of Columbia. Mr. Goulden is general agent of the Penn Mutual Life Insurance

Company in New York. "Why," he said, "it was a well-conceded fact that to be a senator at Albany was worth anywhere from \$50,000 to \$100,000 a year, and that the money came largely from insurance companies. This is no secret. Every New York man knows it. I know it. I know it well."

Touching on the subject of campaign contributions. Mr. Goulden said that his company had been coerced into giving \$10,000 to a national campaign committee in 1896. He did not say which campaign committee received the money, but remarked that the same thing was tried in 1900 and 1904, but without success, owing to the firm stand taken by Mr. Plimpton of Massachusetts, one of the directors, who declared that every director who voted for such contribution would be held personally liable for the amount. for the amount. The hearings on the Ames bill closed with the testimony of Mr. Goulden.

LID ON FOR MINERS.

Drastic Measures Adopted for Keep-

ing Men Orderly. STEUBENVILLE, Ohio, May 21 .- The lid has been put on Plum Run and Crow Hollow by the miners' union officials, who desire to keep the miners sober and orderly. No beer is allowed in the camps. No attempt will be made to start the mines for several days. The miners who have come in and who conclude to stay will be put to

BATOUM KILLED.

BATOUM, May 21 .- W. H. Stuart, the American vice consul, was shot and killed at his country place last night. The assassin escaped.

Mr. Stuart was a British subject, and one of the largest ship brokers and exporters of Batoum. During the revolutionary troubles of last fall his life was many times threateaed by longshoremen, and at Christmas a deputation visited Mr. Stuart's office and cinity. practically compelled him to give them \$1,500 under the guise of a holiday gratuity orers.

Mr. William H. Stuart, whose death by violence is reported today, was forty-nine years of age and a subject of Great Britain. He was a prominent merchant at Batum, being the managing partner of the firm of the Famatticorch Company. In May, 1904. he was appointed United States vice consul at Batum and served in that capacity up to the time of his death. There is no United States-consul there. The compensation of the vice consul is less than \$1,000 a year. and on that account the State Department found it impossible to secure a competent citizen of the United States for the place. Mr. Stuart gave entire satisfaction to the department, and so far as is known here was popular with the business community. Nothing officially is known regarding the manner or cause of his death, but it is not believed to have been due in any way to

his connection with the United States government. A report on the subject is looked for later in the day.

Batum is situated upon the east coast of the Black sea and has a population of 30,000, chiefly Turks and Armenians. The European population, including Russians, is about 5,000. It is in the heart of the Russian oil district and the shipping of petroleum is the chief industry. Later in the day the State Department re

ceived confirmation of the murder of W. H. Stuart, the vice consul at Batum, Russia, in a dispatch from Ambassador Meyer, at St. Petersburg. The dispatch merely stated that the British consul at Batum advised the United States embassy at St. Petersburg of the death of Mr. Stuart, and says his assailants escaped. No details of the

crime were given.

Ambassador Meyer having taken cognizance of the case the State Department offi-class do not believe that it requires action at their hands at this moment. It is doubted that the Russian government will make every effort to capture the assassins and mete out full punishment to them, and it is consequently felt to be well to allow them to proceed in that direction without further pressure. As Stuart was a British subject it is taken for granted that Great Britain will also take an interest in the

FROST LAST NIGHT. Vegetation and Fruit Damaged in York

UTICA, N. Y., May 21.-Frost visited many sections in the central part of the state last night, damaging vegetation and fruit blossoms.

LOCAL OPERATORS CONFER. With Committee of Miners' Unions in Southwest.

KANSAS CITY, May 21.-Representatives of the Coal Operators' Association of the Southwest and a committee of the miners' union from Missouri, Kansas, Arkansas and Indian Territory went into conference here today to consider the wage scale. Before the conference met W. C. Perry, president of the operators' association, said if the meeting, which was requested by the Annual Competitive Contest on Royal miners, was for the purpose of trying to reach an agreement on the demand of the miners for an increase of 3 cents a ton over the scale of 1903, it would be useless

Midshipman's Resignation Accepted. Special Dispatch to The Star.

ANNAPOLIS, Md., May 21.-The resigna tion of Midshipman W. G. Coe of Baker City, Ore., a member of the third class, has been accepted.

Sunday Circulation.

The total circulation of THE SUNDAY STAR yesterday was 33,066. The net figures are printed every Saturday.

The Sunday Star has by far the largest, the best and the only sworn circulation in Washington.

CONDEMNED TO DEATH VICTIMOF AN ASSASSIN KELLER'S CLOSE CALL

CUT LIKE THIS- NOW

WHAT WOULD YOU SAY?

AND THEY TURNED

AMERICAN VICE CONSUL AT BOMB KILLED HIS HORSE AND INJURED ORDERLY.

KALISZ. Russian Poland, May 21.-Count Keller, a colonel of dragoons, was severely wounded by the explosion of a bomb which was thrown at the officer while he was returning from a review today. His horse was killed and his orderly was injured. The would-be assassin, a young man, escaped. Count Keller had been prominent in suppressing disturbances here and in this vi-

REVENUE CUTTER SERVICE.

Bill to Regulate Enlistment and Punishments Passed.

This being "suspension day," so called. the House took up the consideration of the Senate bill to "regulate enlistment and punishments in the United States revenue cutter service." The Speaker stated that as there was important legislation pending he would insist upon members giving attention.

A second being demanded, tellers were ordered, the vote being 142 in the affirmative, 3 in the negative.

"I make the point of no quorum." said Mr. Williams. "The chair will count," thundred Mr. Cannon. Soon Mr. Cannon announced "there are 2% gentlemen present, a quorum," which was followed by loud ap-

with the exception of Terrell, testified that they thought the officer was justified in shooting Jones. The coroner's jury consisted of Messrs. Carl Kennzing, Jesse Mr. Williams-"I want to congratulate the Speaker on making an error in diminuende this morning." Thomas, Charles Johnson, Walter Magruder, B. T. Colbert and Robert Hove. The bill was then briefly explained by Mr. Hobburn (Iowa) and passed without divi-The trouble grew out of a quarrel be-tween Jones and Russell in Georgetown,

MINISTER GRAVES SELECTED.

Will Represent This Country at the Coronation Ceremonies in Norway. It was announced at the State Department today that Mr. Charles H. Graves, United States minister to Sweden, had been appointed by the President a special ambassador to represent the United States at the coronation of the king of Norway. In the absence of specific legislation the United States government is as yet without diplomatic representation at the court of King Haakon. It is generally understood, however, that Third Assistant Secretary Pierce of the State Department is slated for appointment as minister to Norway when prorision is made for that office.

WATER FOR CHICAGO CANAL. Controversy Over the Amount That Should Be Allowed.

The bill for the preservation of Niagara Fails was again the subject of consideration by the House committee on rivers and harbors today, but without a conclusion being reached. The phase of the bill causing the delay is that pertaining to the use of water from Lake Michigan for the operation of the Chicago drainage canal. The use for this purpose now amounts to something more than 4,000 feet a second. The management of the canal wants the right to take 14,000 feet a second and the international waterways commission recom-mends that the limit be 10,000 feet. The committee will meet again tomorrow to further consider the bill.

AMATEUR GOLF TOURNEY.

Liverpool Links. HOYLAKE, Eng., May 21.-The twentyfirst annual competition for the amateur golf championship began here today on the links of the Royal Liverpool Club. Dull weather prevailed.

The present holder of the championship i A. G. Barry, and there are 166 aspirants for the honor of depriving him of the title, including C. B. Macdonald of New York and P. L. MacLeay of Oregon. The former was given a walk-over in the first round, his opponent, L. Martin of the Dublin Gold Club, scratching.

Germany Sends Thanks for Reports. Major Koerner, military attache of the German embassy here, called upon Secretary Taft at the War Department today and presented a letter to the Secretary from Count von Moltke, chief of staff of the Ger man army, returning thanks for a number of engineering reports on technical sub-jects desired by Germany.

The Smoot Case Postponed Consideration of the Senator Smoot case was postponed today by the committee on rivileges and elections on account of the absence of Chairman Burrows, who was

Weather.

Fair tonight and tomorrow; warmer tomorrow.

ACQUITS VEITCH THE ST. ELIZABETH INVESTIGATION

AFFAIR OF SATURDAY NIGHT Testimony.

Employes of the Asylum Give

Evidence Showed That Jones Pointed | HOUSE SPECIAL COMMITTEE But Little Criticism of the Institu-

FROM TODAY'S WITNESSES

Dr. Fitch Says Something About Dr. Hagner's Case and One Nurse Alleged Favoritism.

The Olcott special committee today coninued its inquiry into conditions at the Government Hospital for the Insane. During the session a handbill published by Lewis Marshall, a religious fanatic who was once an inmate of St. Elizabeth's and who testified before the committee, was passed around. The bill contains a bitter attack on the Olcott committee. The police

V. C. Rollins.

are looking for Marshall.

V. C. Rollins, a member of the local fire department, was the first witness sworn. He had been an attendant in white ach ward of the asylum in 1904.

Rellins testified that he had not seen patients abused. He had never been guilty of filtreating the inmates and would not have tolerated it in other attendants The food was not so very good so far as preparation was concerned, but he sup-posed this was due to the great number of persons supplied at each meal.
"It didn't taste like home cooking," said he witness.

"Perhaps that is hardly to be expected," suggested Representative Smyser. "I guess that's right," replied the wit-

Dr. A. C. Fitch. ton ordered the jury to retire and consider Dr. A. C. Fitch, since October 15, 1904, a a verdict, but it was suggested by one of physician at the asylum, told the committee the jurors that this was unnecessary, as that he had secured his position through a the case was so plain that the members had already arrived at a verdict. A poll was taken, which resulted in a verdict of accompetitive examination. Until April 5 of this year he had been an assistant to the physician in charge of the Howard Hall departquittal.

The preliminary hearing of the case was held this morning at 10 o'clock in the office of Sheriff William H. Palmer at Rosslyn, Va., E. F. Thompson, justice of the peace, presiding. Prosecuting Attorney Crandall Mackey was present. Several witnesses were heard this morning, all of ment, where the colored males and the riminal insane are cared for. Either the physician in charge or himself made a complete round of the various wards every day. Other trips were made at irregular inter-

Dr. Fitch had never discovered any evidences of cruelty to patients on the part of attendants. He had investigated many cases in which cruel treatment had been charged by patients. He did not know of one single instance of liltreatment. He thought, moreover, that if there was any department in the hospital in which rough handling might be justified it was Howard Hall.

Dr. Fitch said that since he had been at the asylum an ettendant, J. H. Taylor by name, had been discharged for slapping a patient. The superintendent, Dr. White, had the man arrested for criminal assault but the jury did not convict. Dr. Fitch though it would be very difficult to induce a local ury to convict an attendant for hitting a patient. The question of self-defense entered argely into a trial of such a cas

"That is strange," remarked Representative Smyser, "that you do not occasionally get a jury made up of some of these folks who have been convinced of the dreadful conditions at the asylum." "I guess it is a case of 'the man with the muck rake,' " suggested Dr. Fitch, with a

smile Admitted Occasional Cases.

In reply to questions by Representative Hay, Dr. Fitch admitted that there might be occasional cases of cruelty to patients of which the authorities knew nothing. He did not consider that the authorities should be held responsible for these.

Witness Spencer Herbert, who testified that he had seen a colored man "wrung out" on a certain day in 1905. Dr. Fitch said that there were no colored patients in the building mentioned by Herbert on the date indicated. The witness said he had heard the humors

Dr. Fitch impeached the testimony

of "wringing out," "toweling" and the other forms of abuses being practiced at the asylum. It might be practiced, but the authorities could never find out any spe-

The Food Problem.

The food at the asylum was pretty good. Sometimes it didn't look particularly inviting, but he thought this was accounted for by the great amount of food cooked and served at each meal. He had never seen spoiled meat on the table. The ordinary sponed meat on the table. The ordinary patients got eggs "sometimes," he said. He didn't know whether or not there was a regular "egg day." None of the 150 pa-tients in Howard Hall got any of the 300 gallons of milk used daily at the institution. Dr. Fitch said he was now acting as a.m. looked after all the patients in the a.m. looked after all the patients in the grounds—about 2.500. The calls averaged from twenty to twenty-five a night. Dr. Fitch explained to the committee the method by which he managed to keep in touch with the various wards in numerous buildings of the institution more attendants in the Howard Hall de-partment would help some. As a rule, however, there was sufficient help. There had been some trouble in getting the right kind of help for Howard Hall. Dr. White had established the rule that attendants in this troublesome department must be of a certain height and a certain weight. No little

ow," interjected Representative Smyser.
"Yes," replied Dr. Fitch gravely, "but we

Dr. Fitch thought the eight-hour system was impracticable so far as its application to the asylum was concerned. He advanced the arguments against the eight-hour system that have been previously pre-

sented to the committee.

Dr. Fitch hardly knew how the food problem might be solved more satisfactorily. The chilling of the food might be prevented by the use of special cars or by having separate kitchens for the various buildings. The latter method, however,

Dr. Fitch admitted that there had I some persons admitted to Howard Hall who were not insane. He could recall at least three cases. The men had been returned to the military prisons from which

they came.

Prior to Dr. White's regime all patien's with criminal charges against them were not kept in one part of the institution. But in April, 1906, Dr. White had issued an order to accomplish this end, and all c iminal patients were now segregated.

Dr. Hagner's Case. Representative Hay asked about Dr. Hagner's case. Dr. Fitch couldn't throw much

light on the matter.

Departure of the Mexican Ambassador accompanied by his family, left Washington at 3 o'clock this afternoon for New men were wanted there. "But Terry McGovern was a little fel-York. They will remain at the Waldorf-Astoria until Thursday, when they will sail for Europe. After consulting physicians in Paris, Mr. Casasus will go to some quiet don't allow this method of treatment over European watering place, where he will there.' take treatment until early fall, in the hope Eight-Hour System Impracticable. suming his diplomatic duties in this city in